

**LEGISLATIVE COUNSEL
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FOREIGN ASSISTANCE ACT

S. 3394

- A. Suggested Statement in Opposition to "Hughes Amendment"
- B. Proposed Colloquy to Clarify and Establish Meaning of Words in Hughes Amendment
- C. 2 October 1974 Floor Discussion on Adoption of Hughes Amendment Before Recommittal of Bill
- D. S. 2597, to Amend the National Security Act of 1947
- E. Excerpt from FY-75 Procurement Authorization Act with Provisions Adopted by Senate from S. 2597 on 3 June 1974



Mr. President:

When this matter originally was considered on the floor on 2 October 1974 before the recommittal of the Foreign Assistance Act amendments (S. 3394), I pointed out the casual way we went about adopting the amendment. I was concerned that we did not have the matter further analyzed by experts in language in this particular field and that the matter had not been subject to the test of committee hearings. Although I understand the language has been somewhat improved since the bill was recommitted to committee, I still have serious misgivings about the propriety and necessity of approving the provision on a number of grounds:

(1) This provision deals with a matter which is within the jurisdictional responsibilities of the Armed Services Committee. I find it inappropriate that foreign assistance legislation reported out by another legislative committee organized the rules for reporting to the Senate Armed Services Committee.

(2) The Senate Armed Services Committee is presently receiving current and full information on activities conducted by the Central Intelligence Agency at the direction of the National Security Council, which in effect is the President, including those specifically covered by the proposed provision. Therefore, no

legislation is needed on the subject.

(3) Some will say if this is essentially being done now, what objection can there be made to enacting the procedure into statute. For my part, it is essentially the fact that we do not know the ramifications of enacting the language into statute. Has any committee studied this procedure in the light of international or private law where the United States or its citizenry could become a party?

There is a provision in a bill (S. 2597) which I introduced some time ago which passed the Senate on 4 June 1974 at the urging of Senator Proxmire, but which was dropped in conference at the insistence of the House. Among other things, that bill requires that the functions and duties related to foreign intelligence performed by the Central Intelligence Agency at the direction of the National Security Council be reported to the Congress "in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements." I think that this language while exerting appropriate congressional authority draws back from the brink of getting into Presidential business in which there may be no congressional need to do so.

In fact, if it is the sense of the Senate that something be done on this topic now, then I would proceed to now pass S. 2597, which contains the provision to which I just referred.

B

Colloquy Between Chairman Stennis and
Senator Humphrey

Senator Stennis: Under the new language reported out by the Senate Foreign Relations Committee, what are we to understand to be operations conducted in foreign countries pursuant to section 102(d)(5) of the National Security Act of 1947?

Senator Humphrey: Well, for one thing they do not include operations intended solely for obtaining necessary intelligence which are exempt by the very wording of the provision itself. We also are not talking about every other conceivable activity that the Central Intelligence Agency might conduct abroad. While many of CIA's activities could be considered an operation in a foreign country pursuant to section 102(d)(5), we are not interested in minutiae or supporting activities. The only information contemplated by the language of the provision is that covered by the President's remarks on 16 November 1974--"our Government, like other Governments, does take certain actions in the intelligence field to help implement foreign policy and protect national security."

Senator Stennis: Did not the President also say at that time that such information "is reported to the responsible Congressional committees where it is reviewed by House and Senate committees?"

Senator Humphrey: The Senator is absolutely correct. I think the President made clear his intention to be sure that the Congress is fully informed.

Senator Stennis: From what the distinguished Senator from Minnesota has said, is it then correct, and I think it is important, that we be clear on this since we are setting down statutory requirements, that under the language the types of activities to be reported are those which are designed to help implement foreign policy and protect national security. It is not intended to get a report on all activities exclusive of intelligence collection activities, but only those significant actions which help implement foreign policy.

Senator Humphrey: That is exactly the meaning the Committee attributes to the wording in the provision.

Senator Stennis: On another point, would the distinguished Senator from Minnesota provide some clarification relating to the language covering the President's report. Specifically, what constitutes "an appropriate report of his finding?"

Senator Humphrey: With respect to the point raised by the distinguished Senator from Mississippi, I refer to the discussion I had with the distinguished Senator from Iowa on October 2, 1974, when this very point was discussed. The type of report and the description of the nature and scope of the operation was specifically modified by the word "appropriate" to permit the President to give in substance what is needed in light of the oversight responsibilities of committees of Congress without going into details which may be misinterpreted partially and which may get out in part and cause trouble. Frankly, without the word "appropriate" modifying the report requirements

the requirement is hazardous to our Nation's best interests. Furthermore, there is no requirement that the report be in writing and if the matter is sensitive enough the report can be made orally.

Senator Stennis: I take it then that the President would have necessary discretion in the matter. I recall that in discussing this very point on 2 October, the Senator from Iowa said that "I would think that as long as the matter was before the Committee, the 'appropriate report' would be for the determination of the reporting officer by agreement of the Committee, and I would think in matters of intelligence or any other necessary covert activity, that might be the best way under certain circumstances.

"Senator Stennis: The amendment does not require a written report?

"Senator Hughes: No, it does not."

Senator Humphrey: I think that applies equally to the language we are presently considering.



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At the end of the bill, add the following new section:

LIMITING INTELLIGENCE ACTIVITIES

SEC. 33. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by sections 17 (a) and 18 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 661. Limitations Upon Intelligence Activities.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency or any other agency of the United States Government for the conduct of covert action operations, other than operations intended solely for obtaining necessary intelligence. Notwithstanding the foregoing limitation, the President may authorize and direct that any covert action operation be resumed, or that any other covert action operation be initiated, and funds may be expended therefor, if, but not before, he (1) finds that such operation is vital to the defense of the United States, and (2) transmits a report of his finding, together with a detailed description of the nature and the scope of such operation, to any committee of Congress having jurisdiction to monitor and review the intelligence activities of the United States Government.

"(b) Notwithstanding the provisions of subsection (a) of this section, the President may authorize and direct the conduct of such covert action operations as he deems of immediate need and urgency during military operations initiated by the United States under a declaration of war by Congress or an exercise of powers by the President under the War Powers Resolution (Public Law 93-148)."

Mr. HUGHES. Mr. President, by way of explanation, let me say that this unprinted amendment is identical to my amendment No. 1948 which was submitted yesterday, with one major exception. Amendment No. 1948 did not make explicit my intention that notification to congressional committees about covert action and operations be made prior to the initiation of the operation. My unprinted amendment does make prior notification explicit.

Mr. President, since this amendment was prepared, it has been reported that Secretary Kissinger and CIA Director Colby have already given private assurances along the same lines as this amendment.

According to reports in the October 2 Washington Post and Philadelphia Inquirer, these officials have said that the United States has ended covert political operations abroad, though some may be necessary in the future, and that designated congressional subcommittees would be notified in advance of any future such operation.

I welcome these assurances. What this amendment would do, then, would be to write this procedure into permanent law.

Mr. President, the amendment I offer should be regarded as only a beginning toward the imperative of imposing some order and structure to the means by which the American people, through their elected representatives, can exercise a measure of control over the cloak-and-dagger operations of intelligence agencies of the U.S. Government.

A great deal more must be done in this regard, and I want to commend the distinguished majority leader (Mr. Mansfield), the Senator from Michigan (Mr. Hart), and the Senator from South

Dakota (Mr. Abourezk), and the Senators from Tennessee (Mr. Baker) and Connecticut (Mr. Weicker) for their efforts.

I shall not take the time of the Senate to recount the recent disclosures that have provoked outrage at the audacity and contempt for democratic processes represented by covert action operations undertaken by our Government to interfere with the internal affairs of other nations. All of us in this body have heard of these scandalous activities and deplore them.

I shall content myself with simply stating that such covert operations, deliberately designed to provoke political revolution, rarely, if ever, can be justified.

Mr. President, the basis for my amendment was laid by the Director of the Central Intelligence Agency, Mr. Colby, in his address on September 13 to the conference on the CIA and covert operations. In that statement, he said:

It is advocated by some that the United States abandon covert action. This is a legitimate question, and in light of current American policy, as I have indicated, it would not have a major impact on our current activities or the current security of the United States. I believe, however, that a sovereign nation must look ahead to changing circumstances. I can envisage situations in which the United States might well need to conduct covert action in the face of some new threat that developed in the world.

Mr. President, I would admit that circumstances might develop in which covert action would be justified in time of war.

I find it impossible, however, to envisage any circumstances in time of peace that would justify them.

Parenthetically, I might note that this inability to conceive of a situation justifying covert operations may well be one result of the fact that most of my colleagues and I have had no opportunity to evaluate any of the surreptitious operations of our intelligence agencies. We are not conditioned to thinking in terms of the positive potential, if any, of these activities.

Proposals are under study in the Congress at this moment for improving congressional oversight of intelligence activities. These proposals deserve immediate and intensive study and implementation of the best of them at the earliest possible time.

Until then, however, I feel very strongly that the Congress must take initial steps to structure and bring some order to our oversight responsibility.

I believe the amendment I offer today is a modest step in the right direction.

The amendment would translate into statute the words of the Director of the Central Intelligence Agency. To abandon all covert action at this time, he said,

... would not have a major impact on our current activities.

The amendment, therefore, would terminate as of the effective date of this act all covert action operations, other than those intended solely for the purpose of gathering intelligence that is necessary to the national defense.

However, since Mr. Colby further asserts that he can:

... Envisage situations in which the United States might well need to conduct covert action in the face of some new threat that developed in the world. * * *

The amendment provides for a procedure under which existing covert actions may be resumed or others may be undertaken to meet a genuine requirement for national defense.

Under the language of the amendment, the President, before authorizing any covert action, would be required to make a finding that each such operation is vital to the defense of the United States.

Moreover, before authorizing such a secret project, he would be required to transmit a report of his finding, together with a report of the nature and the scope of each such operation, to the committees of the Congress having jurisdiction to review and monitor the intelligence activities of our Government.

Recognizing that, in time of war or national emergency, the President may be required to move instantly to deal with an imminent threat, the amendment further provides that he may do so without delay, notwithstanding the requirement for notification of Members of Congress.

Of course, the Congress will expect to be apprised by the President at the earliest practicable time of any such covert actions undertaken in time of war or armed hostilities.

Mr. President, some of my colleagues may question whether this amendment deals sufficiently with the problem of who, in the Congress, should have jurisdiction to receive the notices from the President.

As I have already indicated, this is a matter that is under current study, and it is my hope that the solution to be developed by the Congress will encompass a broad segment of the membership of both this and the other body.

For the moment, I believe we shall have to settle for something akin to the established order, if we are to succeed in taking this first step toward controlling the covert activities of our intelligence establishment.

Mr. President, it is fully acknowledged that the American people and the Congress are largely in the dark about the covert operations of the CIA and cannot judge with certainty whether or not some of these operations and the overall pattern of them can be justified in the public interest.

The central problem is that these operations have been conducted in a complete blackout of secrecy—not only from the American public, but from the responsible oversight of the congressional committees authorized by law to monitor them. And operations that have recently come to light give us such deep cause for concern that some immediate action is imperative.

In the light of this, it should be noted that this amendment is written in the spirit of restraint, not prohibition.

It provides a temporary arrangement, not a permanent one, recognizing that a permanent arrangement is in the process of being developed.

For the reassurance of our own people and other peoples of the world, it is a positive demonstration of faith at this

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troubled time in our moral purpose as a people, the benign intent of our foreign policy, and of our continuing commitment to human rights for all peoples.

Mr. HUMPHREY. Mr. President, I should like to ask the Senator some questions.

This amendment, of course, does permit the President to direct covert operations. It says, however, that if he finds that such operations are vital to the defense of the United States, which would be the only reason we would want to have covert operations, I trust—

Mr. HUGHES. I hope that is the only reason.

Mr. HUMPHREY. Then the amendment reads:

Transmits a report of his findings, together with a detailed description of the nature and the scope of such operation.

I wonder whether that language goes beyond what might be necessary. I think there ought to be transmission of a report of his finding, but sometimes in a covert operation, even with all Senators and Representatives having the best of intentions, the lid might be blown off it by some inadvertent slip.

It may be that the President would want to give the detailed report, but I think that to have the requirement would be hazardous.

Mr. HUGHES. Is the Senator objecting to the word "detailed" or to the entire clause 2?

Mr. HUMPHREY. Not the entire clause 2. I think he should transmit a report of his finding. I just would leave it up to the President as to the quality or the detail or the minutia of that report, rather than having it there.

Mr. HUGHES. Would it not suffice just to strike the word "detailed"? Would it be sufficient just to have "description of the nature and the scope"?

Mr. HUMPHREY. I think the President should have the option, in light of the fact that something might go amiss and cause very grave trouble.

Mr. HUGHES. I really want to cooperate with the manager of the bill on this matter. I am not trying to be over-restrictive or less than necessarily restrictive. I certainly do not want the necessary intelligence of this Nation blown open by someone who is talking too much at the wrong place.

Mr. HUMPHREY. That is right.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Mr. President, I am ready to err on the side of too much publicity in this field. For too long we have not had enough knowledge on the part of the Senate or the House or the proper committees of what the CIA was doing. It is for that reason that I support, without reservation, the language of the amendment of the Senator from Iowa.

This matter has to be cleared up. Every day in the press we read of further troubles about the Central Intelligence Agency. It has no public relations department, as does the FBI or the Department of Defense. It is the sewer in which to drop something when you want to get rid of it. It is about time it was reprimanded when it is wrong, and defended when it is right. It cannot be reprimanded or defended if we do not have any interest in overseeing its activities.

Mr. HUMPHREY. I do not disagree with what the Senator has said. I am simply trying to find out how we can have, for example, a report by the President, in substance, that will give the appropriate committee of Congress, having appropriate jurisdiction, the information it needs, without going into the details. Sometimes details may be misinterpreted partially; some of the details may get out in part and cause great trouble.

It seems to me that we can say "transmits a report of his finding, with appropriate description," or "including appropriate description." Then the President would be at liberty to determine what was an appropriate description.

Mr. HUGHES. I have no objection.

Subsection 2 would read: "transmits a report of his finding, including appropriate description of the nature and scope of such operation."

Mr. HUMPHREY. As he deems appropriate.

Then the amendment reads: "to any joint committee of Congress."

Mr. HUGHES. I strike that. It now reads: "to any committee of Congress having jurisdiction to monitor and review the intelligence activities of the U.S. Government."

Mr. HUMPHREY. Would it not be satisfactory to say "to the committee of Congress having jurisdiction"?

Mr. HUGHES. There may be one in the House and one in the Senate.

Mr. HUMPHREY. I see what the Senator means.

Mr. STENNIS. The committees of both the House and the Senate.

If the Senator will yield, he has in the clause, whether intentionally or not, raised the whole question of jurisdiction, when the law is absolutely clear that the Committee on Armed Services is the one that has jurisdiction.

Mr. HUGHES. It is not intentional to raise the jurisdictional question.

Mr. STENNIS. I did not believe the Senator meant to raise that question and settle it in this amendment.

Mr. HUGHES. No, I did not.

Mr. STENNIS. The Senator could just say "report to the two Committees on Armed Services."

Mr. HUMPHREY. The only point is that there may be a change in that jurisdiction, which I am not advocating, but it may happen. That is why I think the Senator should say "to the committees of the House and the Senate having jurisdiction."

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUGHES. Yes, I yield.

Mr. STENNIS. I should like to make the point here that that brings up the question of who does have jurisdiction, if we write a new law on the subject. It is already clear and plain now. If the Congress wants expressly to change it, that will be all right.

Mr. HUMPHREY. I see. Does the Senator mean for the future?

Mr. STENNIS. Yes, for the future.

Mr. HUGHES. Mr. President, may I suggest the absence of a quorum so that we may work this out?

Mr. CASE. Will the Senator withhold?

Mr. HUGHES. I withhold.

Mr. CASE. Mr. President, I ask unanimous consent that my assistant, Stephen Bryen, have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Jon Steinberg, Ellen Frost, and Murray Flander may have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, I send to the desk a modification.

The PRESIDING OFFICER. The clerk will state it.

The assistant legislative clerk proceeded to read the modification.

Mr. HUGHES. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, the managers of the bill and the interested parties in the debate on the floor have come to an agreement on the amendment. I have placed in the Record my statement on the amendment. If the manager of the bill would like to indicate his feeling about the amendment as modified, I think we can rapidly dispose of it.

Mr. HUMPHREY. Yes, Mr. President. So that we may be very clear, I am going to read the portions which were modified. It starts under section 661, where there is a numeral (1):

(1) finds that such operation is vital to the defense of the United States, and (2) transmits an appropriate report of his finding, together with an appropriate description of the nature and scope of such operation, to the committees of the Congress presently having jurisdiction to monitor and review the intelligence activities of the United States Government.

Is that the understanding?

Mr. HUGHES. That is the understanding.

Is there any difference in the copy at the desk?

The ASSISTANT LEGISLATIVE CLERK. There is a slight difference.

Mr. HUMPHREY. This is what we agreed to.

The PRESIDING OFFICER. Does the Senator from Iowa desire to have the amendment modified as it was read by the Senator from Minnesota?

Mr. HUGHES. I ask unanimous con-

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sent further to modify the amendment by the language just sent to the desk by the manager of the bill, if there is any disagreement.

The PRESIDING OFFICER. The amendment is so modified. The amendment, as modified, is as follows:

At the end of the bill, add the following new section:

LIMITING INTELLIGENCE ACTIVITIES

SEC. 33. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by sections 17(a) and 18 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 681. Limitations Upon Intelligence Activities.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency or any other agency of the United States Government for the conduct of covert action operations, other than operations intended solely for obtaining necessary intelligence. Notwithstanding the foregoing limitation, the President may authorize and direct that any covert action operation be resumed, or that any other covert action operation be initiated, and funds may be expended therefor, if, but not before, he (1) finds that such operation is vital to the defense of the United States, and (2) transmits an appropriate report of his finding, together with an appropriate description of the nature and scope of such operation, to the committees of the Congress presently having jurisdiction to monitor and review the intelligence activities of the United States Government.

"(b) Notwithstanding the provisions of subsection (a) of this section, the President may authorize and direct the conduct of such covert action operations as he deems of immediate need and urgency during military operations initiated by the United States under a declaration of war by Congress or an exercise of powers by the President under the War Powers Resolution (Public Law 93-148)."

Mr. HUMPHREY. On that basis, I think the Senator from Iowa has made a distinct contribution to this difficult subject. I wish to commend him, and I personally, speaking as one Senator and manager of the bill, am pleased to accept the amendment.

I have said to the Senator, and I want to say to him publicly here, that it would be the intention of the Senator from Minnesota, if he were on the conference committee, to insist upon this amendment.

However, I want the Senator to know that if there is a word, for example, that would be considered in any way to result in jeopardizing what we might call the security interests of the country, while I do not see it, I hope he would realize that one might want to see that modified. That would be done, may I say, only after consultation with the author of the amendment.

Mr. HUGHES. Mr. President, the Senator from Iowa has absolute faith in the Senator from Minnesota on matters dealing with the subject matter under discussion. Naturally, he represents me as well as the other Members of the Senate on any conference committee, and he has my trust.

I believe we have been reasonable in this matter in insisting that the appropriate committees of the Senate and the House have jurisdiction over this subject matter, while at the same time affording leeway to any administration in conduct-

ing necessary intelligence gathering and, in times of war, such covert activities as may be necessary for the national defense of this country.

Mr. HUMPHREY. I thank the Senator. Mr. President, I am ready to accept the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. STENNIS. Mr. President, I think the intentions and the planning of the Senator from Iowa have been in good faith, and he has been very reasonable about making some modifications as he sees them.

I point out, though, that this amendment, as I understand, has not been printed. It is a highly important amendment. I have a printed copy here, but I have understood later that the amendment offered is not the same.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. STENNIS. Yes.

Mr. HUGHES. As the Speaker knows, the amendment was printed yesterday. In an attempt to make the amendment more acceptable to the manager of the bill, the Senator from Iowa sent to the desk today a slight modification.

Mr. STENNIS. That clears it up. I did not intend to be critical of the Senator from Iowa.

Anyway, I just wanted to point out the rather casual way that we are adopting this amendment. For my part, I would want the matter further analyzed by experts in language in this particular field, and I cannot support it. I wish to reserve my rights in that respect.

I do not mean to pursue the matter now to the nth degree, or call for a roll-call vote, or anything like that. But I do not agree to it and I do not accept it; I want to make that clear.

Mr. McCLELLAN. Let us have a roll-call.

Mr. STENNIS. I want to ask the Senator from Iowa, as the amendment is written now, the Senator recognizes the present jurisdiction of the two Armed Services Committees, as I understand and any change in that could be made by subsequent legislation, but not by this amendment; is that correct?

Mr. HUGHES. I recognize the jurisdiction of the present Armed Services Committees and the present subcommittees handling the oversight of matters of intelligence and the CIA, yes. There is no attempt, in this amendment, to change or alter any jurisdictional matters in either House.

Mr. STENNIS. That is a fair response. One other matter: the language now says "appropriate report." As long as it was just as the rest of the amendment provides, the President, he would have a matter of discretion whether he would have a written report or whether it would be an oral report to one of his men.

Mr. HUGHES. I would think that as long as the matter was before the committee, the "appropriate report" would be for the determination of the reporting officer by agreement of the committee, and I would think in matters of intelligence or any other necessary covert activity, that might be the best way under certain circumstances.

Mr. STENNIS. The amendment does not require a written report?

Mr. HUGHES. No, it does not.

Mr. STENNIS. I thank the Senator.

Mr. HUGHES. Mr. President, I would like to say, before the question is put, that I hope some day to see the distinguished chairman of the Armed Services Committee support legislation that will require an absolute oversight by Congress of CIA and other intelligence operations. I realize that absolute cooperation in defense of the country requires, between the President and the intelligence agencies, that they have a certain latitude; but I am just as convinced, as an individual Senator and citizen, that in the interests of the citizens of the country it is our responsibility, in the structures of the committees, to represent them, to make certain that we are conducting the activities of these committees in the public interest of this country, regardless of the operations at any designated point on Earth.

I would encourage the chairman of the Armed Services Committee to be as concerned about that as about the relationships in the administrative branches of the Government.

I thank the distinguished chairman for the exchange on clarification, and for his cooperation, even though he cannot support the amendment as such; and I thank the distinguished manager of the bill for his acceptance and support of the amendment, and the distinguished senior Senator from Missouri, who has long expressed his concerns about these matters and in whose opinion, I suspect, I have already modified the amendment too far. At the same time, I believe it is a matter of cooperation between us to arrive at some designated point of oversight that will be employed, hopefully, in the basic interests of the people of this country.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I do not care to make any more statements, but the Senator directed rather sharp words, in a way, at the activities of the Senator from Mississippi.

Let the matter rest on this: It is not an easy job that I have had on this matter. I will not relate the incidents that have come up. It was my duty, and that was it. After all, we are working for the same country.

Mr. HUGHES. Mr. President, if the Senator will yield, if there was any indication in the words or tone of the Senator from Iowa that he cast, in any way, any adverse reflection on the distinguished chairman, it was not his intention to do so. I would not want to do that.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. As long as the distinguished Senator mentioned my name, I would like to present to the Senate why I am heartily in favor of this amendment, at the risk of being somewhat redundant.

At the time of the Kennedy administration, there were several ambassadors who complained that the CIA head in their country was operating without their knowledge and consent, and, as a re-

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sult, the so-called Kennedy letter was sent to all embassies. That letter stated that the head of the CIA would report to the ambassador in the country in question.

The way the organization is set up back here in Washington, however, despite the fact that the head of the CIA in the country in question reports to the ambassador, the Committee on Foreign Relations often does not have any knowledge of CIA activities in a foreign country or much less the right of review of said activities. Inasmuch as at least 95 percent of the work of the CIA is done in countries with which we are not at war, for many years I have felt that the Foreign Relations Committee should have some right of review of the activities of the Central Intelligence Agency in those countries.

It appeared to me that the amendment of the Senator from Iowa, who serves on the Armed Services Committee, as do I—and we have discussed this matter before—was getting at the meat of this problem, or at least some of the meat of the problem, with this amendment.

So, without any criticism of any member of the Armed Services Committee, especially its chairman, I think it is time that we recognize that if the CIA representatives in all these countries all over the world are to report to the ambassadors, when the matter comes back here, the ambassador's responsibility being to the State Department, the Senate Foreign Relations Committee should have some say with respect to what is being done by the Central Intelligence Agency.

I might say I commend the able Senator from Tennessee for much of the work that he has done in recent months in this particular field. Although at times it was difficult to understand what was going on, it became clear that much of the work of the CIA was not known to the Members of Congress.

I believe that this amendment helps clarify many of these matters, and that is the reason I support it.

Mr. HUGHES. I thank my distinguished colleague from Missouri. I am prepared to yield back the remainder of my time.

Mr. BAKER. Mr. President, will the distinguished Senator yield?

Mr. HUGHES. Yes.

Mr. BAKER. May I express my gratitude to the distinguished Senator from Missouri who has always been conscientious in his efforts at arriving at an understanding of the activities of this agency of Government.

He has been, in my judgment, both loyal to his mandate as a member of the jurisdictional committee having oversight of the CIA, and loyal to himself in his determination to know what was going on.

I commend him for his perseverance and for his efforts in that respect.

I also commend the distinguished Senator from Iowa for his initiative in this respect.

While I previously expressed reservations about supporting other amendments, particularly the Abourezk amendment on the floor without other information, I believe that this amendment

we should support because it states the possibilities that arise in reports to us and to Congress on the activities of his agency.

So I intend to vote for this amendment.

Mr. HUGHES. Mr. President, I appreciate the remarks of the Senator from Tennessee.

Mr. SYMINGTON. I appreciate the remarks of the Senator from Tennessee, for what he said.

Mr. HUMPHREY. Mr. President, I want to say that I support the amendment and commend the Senator from Iowa and all those participating in this discussion. I think it is helpful. It is a forward step, and I suggest we proceed with it. I am prepared to yield back my time.

Mr. HUGHES. Mr. President, I move the adoption of the amendment as modified, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired and been yielded back. The question is on agreeing to the amendment, as modified, of the Senator from Iowa (putting the question).

The amendment, as modified, was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. HUGHES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1928

Mr. JOHNSTON. Mr. President, I have an amendment at the desk, No. 1928, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert the following new section at the end of the bill:

INVOLVEMENT OF PUERTO RICO IN THE CARIBBEAN DEVELOPMENT BANK

SEC. —. (a) The President is authorized to transmit to the Caribbean Development Bank an instrument stating that the Commonwealth of Puerto Rico has the authority to conclude an agreement of accession with such bank and to assume rights and obligations pursuant to such agreement. However, such agreement shall be subject to the prior approval of the United States Department of State.

(b) The instrument transmitted by the President to the Caribbean Development Bank under subsection (a) shall state that the United States shall not assume any financial or other responsibility for the performance of any obligation incurred by the Commonwealth of Puerto Rico pursuant to such agreement of accession or pursuant to any other aspect of its membership or participation in such bank.

(c) Such agreement of accession shall provide that the Commonwealth of Puerto Rico may not receive from the Caribbean Development Bank any funds provided to the bank by the United States.

Mr. JOHNSTON. Mr. President, this

amendment, very simply, grants to Puerto Rico the ability to join the Caribbean Development Bank, a regional economic bank. The bank is unique in a number of respects. It is an economic bank. It is regional. Puerto Rico is particularly suited to give it expertise and help and, because of its uniqueness, this serves as no precedent for the larger question of whether or not Puerto Rico ought to be allowed to take part in foreign affairs. That larger question is being considered by the Ad Hoc Advisory Group on Puerto Rico and, therefore, this serves as no precedent for that. But this is supported by the State Department which believes that this is a proper role for Puerto Rico to play.

Mr. HUMPHREY. I want to say to the Senator I think the amendment is timely. It will be very helpful, and I am pleased he has brought it to our attention. It should be included in this legislation.

I, speaking for the committee as best I can here—I see the distinguished Senator from Vermont here—

Mr. AIKEN. Mr. President, I have an amendment and I hope it will be accepted.

Mr. HUMPHREY. Mr. President, I yield back the time on this amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Louisiana. (Putting the question.)

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. I send an amendment to the desk and I would like it read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 55 after line 17 insert the following:

Sec. 33. No country may receive any funds authorized to be appropriated by this Act if such country pays in whole or in part any expenses which are directly or indirectly related to travel abroad by Members of Congress, their families or congressional employees.

Mr. AIKEN. Mr. President, if I may speak briefly on this amendment, it is becoming altogether too common practice for countries which are dependent on U.S. aid and to which we have contributed most heavily, to send invitations to Members of Congress inviting them to come to their country for rather extended visits with the country that invites them agreeing to pay all expenses from the time they leave Washington until they get there and then, perhaps, a week or two of entertainment and travel around that country, and then have their expenses paid back to Washington.

I think it is time we stopped that. I would not offer this amendment if I had not received such invitations myself. I am not trying to make it retroactive in any way, but when you accept one of those invitations you are supposed to come back here and support legislation which is favorable to that country.

I know they have sometimes told visitors, "We will take care of your hotel bill." But now they are more generous. They offer to pay expenses from Wash-

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93^d CONGRESS
1st Session

S. 2597

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 1973

Mr. STENNIS introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To amend section 102 of the National Security Act of 1947
to clarify the authority of the Central Intelligence Agency
with respect to certain intelligence operations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 102 of the National Security Act of 1947, as
4 amended (50 U.S.C. 403), is amended as follows:

5 (1) Subsection (d) is amended by inserting "foreign"
6 immediately before "intelligence" the first time the latter
7 term appears in such subsection.

8 (2) Clauses (1) and (2) of subsection (d) are
9 amended by inserting "foreign" immediately before "intel-
10 ligence" each time the latter term appears in such clauses.

1 (3) Clause (3) of subsection (d) is amended by in-
2 serting "foreign" immediately before "intelligence" the first
3 time the latter term appears in such clause.

4 (4) The last proviso of clause (3) of subsection (d)
5 is amended to read as follows: "*And provided further,*
6 That the Director of Central Intelligence shall (A) be re-
7 sponsible for developing appropriate plans, policies, and
8 regulations for the protection of intelligence sources and
9 methods from unauthorized disclosure, but such responsi-
10 bility shall not be construed as authorizing the Agency to
11 engage in any activity prohibited by the first proviso of
12 this clause, and (B) report to the Attorney General of the
13 United States for appropriate action any violation of such
14 plans, policies, or regulations;"

15 (5) Clause (4) of subsection (d) is amended by insert-
16 ing "relating to foreign intelligence activities" immediately
17 after "of common concern".

18 (6) Clause (5) of subsection (d) is amended to read
19 as follows:

20 "(5) to perform such other functions and duties
21 related to foreign intelligence affecting the national se-
22 curity as may be specifically directed from time to time
23 by the Council and reported to the Congress in such
24 manner and in accordance with such procedures as the

25 Congress may establish to insure effective legislative

1 oversight with due recognition of essential security
2 requirements."

3 (7) Add at the end of such section a new subsection as
4 follows:

5 "(g) Nothing in this or any other Act shall be construed
6 as authorizing the Central Intelligence Agency to engage,
7 directly or indirectly, within the United States, either on its
8 own or in cooperation or conjunction with any other de-
9 partment, agency, organization, or individual in any police
10 or police-type operation or activity, any law enforcement
11 operation or activity, or any internal security operation or
12 activity: *Provided, however,* That nothing in this Act shall
13 be construed to prohibit the Central Intelligence Agency
14 from (1) protecting its installations, (2) conducting person-
15 nel investigations of Agency employees and applicants or
16 employees of contractors and others requiring access to sensi-
17 tive Agency information in carrying out Agency responsi-
18 bilities, (3) carrying on within the United States activities
19 necessary to support its foreign intelligence responsibilities,
20 or (4) providing information resulting from foreign intel-
21 ligence activities to other appropriate departments and
22 agencies."

93rd CONGRESS
1ST SESSION

S. 2597

A BILL

To amend section 102 of the National Security Act of 1947 to clarify the authority of the Central Intelligence Agency with respect to certain intelligence operations.

By Mr. STENNIS

OCTOBER 18, 1973

Read twice and referred to the Committee on Armed
Services

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Approved For Release 2006/10/18 : CIA-RDP79-00957A000100010001-7

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93^d CONGRESS
2^d SESSION

H. R. 14592

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1974

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~TITLE I - PROCUREMENT~~

4 ~~SEC. 101. Funds are hereby authorized to be appropriated~~

5 ~~during the fiscal year 1975 for the use of the Armed Forces~~

1 “(2) After the date of enactment of this paragraph,
2 any naval vessel not subject to the provisions of paragraph
3 (1) may be sold, leased, granted, loaned, bartered, trans-
4 ferred, or otherwise disposed of in accordance with appli-
5 cable provisions of law only after the Secretary of the Navy,
6 or his designee, has notified the Committees on Armed Serv-
7 ices of the Senate and the House of Representatives in writ-
8 ing of the proposed disposition and 30 days of continuous
9 session of Congress have expired following the date on which
10 notice was transmitted to such committees. For purposes of
11 this paragraph, the continuity of a session of Congress is
12 broken only by an adjournment of the Congress sine die,
13 and the days on which either House is not in session because
14 of an adjournment of more than 3 days to a day certain
15 are excluded in the computation of such 30-day period.”

16 SEC. 703. Section 102 of the National Security Act of
17 1947, as amended (50 U.S.C. 403), is amended as follows:

18 (1) Subsection (d) is amended by inserting “foreign”
19 immediately before “intelligence” the first time the latter
20 term appears in such subsection.

21 (2) Clauses (1) and (2) of subsection (d) are
22 amended by inserting “foreign” immediately before “intel-
23 ligence” each time the latter term appears in such clauses.

24 (3) Clause (3) of subsection (d) is amended by in-
25 serting “foreign” immediately before “intelligence” the first

1 (4) Clause (4) of subsection (d) is amended by insert-
2 ing "relating to foreign intelligence activities" immediately
3 after "of common concern".

4 (5) Clause (5) of subsection (d) is amended to read
5 as follows:

6 "(5) to perform such other functions and duties
7 related to foreign intelligence affecting the national se-
8 curity as may be specifically directed from time to time
9 by the Council and reported to the Congress in such
10 manner and in accordance with such procedures as the
11 Congress may establish to insure effective legislative
12 oversight with due recognition of essential security
13 requirements."

14 (6) Add at the end of such section a new subsection as
15 follows:

16 "(g) Nothing in this or any other Act shall be construed
17 as authorizing the Central Intelligence Agency to—

18 "(1) carry out, directly or indirectly, within the
19 United States, either on its own or in cooperation or
20 conjunction with any other department, agency, organi-
21 zation, or individual any police or police-type operation
22 or activity, any law enforcement operation or activity, or
23 any internal security operation or activity: Provided,
24 however, That nothing in this Act shall be construed to
25 prohibit the Central Intelligence Agency from (A) pro-

1 *tecting its installations, (B) conducting personnel in-*
2 *vestigations of Agency employees and applicants or*
3 *employees of contractors and others requiring access to*
4 *sensitive Agency information in carrying out Agency*
5 *responsibilities, or (C) providing information result-*
6 *ing from foreign intelligence activities to other appro-*
7 *priate departments and agencies; or*

8 *"(2) participate, directly or indirectly, in any il-*
9 *legal activity within the United States."*

10 *SEC. 704. Notwithstanding any other provision of law,*
11 *no enlisted member of the Armed Forces of the United States*
12 *may be assigned to duty or otherwise detailed to duty as*
13 *an enlisted aide, public quarters steward, airman aide, cook*
14 *specialist, or food service technician on the personal staff*
15 *of any officer of the Army, Navy, Marine Corps, Air Force,*
16 *or Coast Guard (when operating as a service of the Navy)*
17 *except for two hundred and eighteen such enlisted men as-*
18 *signed on a temporary basis by the Secretary of Defense to*
19 *meet official responsibilities.*

20 *SEC. 705. Notwithstanding any other provision of law,*
21 *no funds appropriated pursuant to this Act may be used*
22 *for the purpose of carrying out research, testing, and/or*
23 *evaluation of poisonous gases, radioactive materials, poison-*
24 *ous chemicals, biological, or chemical warfare agents upon*
25 *dogs.*